



# **CITY OF SUNNYVALE REPORT Administrative Hearing**

**August 13, 2008**

**SUBJECT:** **2008-0431 - Bay Area Cultural Center** [Applicant] **Tasman V LLC** [Owner]: The property is located at **1257 Tasman Drive** (at Reamwood Avenue) in an M-S/POA (Industrial & Service/Place of Assembly) Zoning District (APN: 104-58-007). SB

Motion Use Permit to allow a place of assembly use in a 5,500 square foot tenant space.

## **REPORT IN BRIEF**

**Existing Site Conditions** Two industrial buildings

### **Surrounding Land Uses**

North	Light Industrial and R&D use
South	Mobile Homes across Tasman and Light Rail
East	Light Industrial and Restaurant across Reamwood Ave.
West	Shipping Hub for Delivery Service (UPS)

**Issues** Use, Parking

**Environmental Status** A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation** Approval with conditions

**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industrial	Same	Industrial
<b>Zoning District</b>	MS-POA	Same	MS-POA
<b>Lot Size (s.f.)</b>	95,556	Same	22,500 min.
<b>Gross Floor Area (s.f.)</b>	37,447	Same	37,447 max. per approved UP
<b>Tenant Space Area (s.f.)</b>	5,535	Same	---
<b>Lot Coverage (%)</b>	39.2%	Same	45% max.
<b>Floor Area Ratio (FAR)</b>	39.2%	Same	35% max. per approved UP
<b>No. of Buildings On-Site</b>	2	Same	---
<b>No. of Stories</b>	1	Same	8 max.
<b>Building Height</b>	17	Same	75 max.
<b>Setbacks (Facing Property)</b>			
<b>Front</b>	25	Same	25 min.
<b>Left Side</b>	5	Same	No min., 20 total
<b>Right Side</b>	30	Same	No min., 20 total
<b>Rear</b>	65	Same	No min.
<b>Landscaping (sq. ft.)</b>			
<b>Total Landscaping</b>	10,319	Same	10,319 min. per approved UP
<b>Frontage Width (ft.)</b>	28	Same	15 ft. min.
<b>Parking Lot Area Shading (%)</b>	21.6%	Same	21.6% min. per approved UP
<b>Parking</b>			
<b>Total Spaces</b>	119	Same	119 min. per approved UP
<b>Standard Spaces</b>	115	Same	115 min. per approved UP
<b>Accessible Spaces</b>	4	4	5 min.
<b>Aisle Width (ft.)</b>	26	Same	26 min.
<b>Bicycle Parking</b>	3 lockers & 3 racks	Same	3 lockers & 3 racks min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## **ANALYSIS**

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### **Description of Proposed Project**

The proposed project is to allow *Bay Area Cultural Center*, a place of assembly use, to legalize their operations at the subject site. Currently the center is operating without required permits. The center currently occupies a 5,535 sq. ft tenant space in Building 1 facing Tasman Drive.

*Bay Area Cultural Center* is cultural organization that aims to promote inter-faith and inter-cultural dialogue. The subject tenant space serves primarily as the administrative office for the center, in addition to some smaller cultural events and classes being held there. The larger events targeting the broader community are held off-campus.

On March 18, 2008 a Use Permit (2007-1341) for Whispering Wind Spa was approved for another 10,000 sq. ft. tenant space at the same site. This Use Permit approval included a revised parking management plan for the entire site that limits the maximum occupancy of each tenant space (including previously approved uses) due to limited availability of parking spaces at the site.

### **Background**

The two existing one-story industrial buildings located on the site were constructed in 1974 and total 37,302 square feet. The frontage along Tasman Drive was reduced in the 1990s when the public right-of-way was renegotiated for installation of the Light Rail.

In October 2006, the site was part of a condominium conversion project that was approved for the three parcels on the west side of Reamwood Avenue between Tasman Drive and Elko Drive. The conditions of approval included a modification of the parking, landscaping, and site upgrade requirements. The conversion project is in the early stages of the Building Permit process and modifications have not yet been completed.

Approved uses on the site include a recreational studio (*Hong Dao Wushu Martial Arts Studio*) and a counseling center (*Resources for Battered Women*) and a spa/health club (*Whispering Wind Spa*). An existing printing company is allowed by right in the Industrial zoning district. A 5000 sq. ft. space is currently vacant.

Other planning applications for this site are summarized in the following table.

File Number	Brief Description	Hearing/Decision	Date
2007-1341	Use Permit for Whispering Wind spa and revised parking plan for the site	Administrative Hearing/ Approved with conditions	3/18/08
2006-0626	Use Permit and Parcel Map to subdivide the property into industrial condominium units	Planning Commission / Approved	3/26/07
2006-1213	Use Permit for a Place of Assembly (counseling center)	Administrative Hearing / Approved	1/10/07
2006-0876	Council Study Issue to Re-Zone from Industrial to Industrial / Place of Assembly	City Council / Approved	10/24/06
2005-0864	Use Permit to allow a recreational club	Planning Commission / Approved	11/14/05
2002-0775	Use Permit to allow a vocational trade school	Administrative Hearing / Approved	11/13/02
1986-0217	Use Permit for Temporary Storage of Explosive Material	Planning Commission / Approved	9/3/86

### **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor changes to existing buildings.

### **Use Permit**

**Site Layout:** The subject site is located on the northwest corner of the intersection of Reamwood Avenue and Tasman Drive. The site contains two one-story industrial buildings with parking on the north, west and south sides, and between the buildings. There is a shared access easement that runs along the western boundary of the property linking it to the two parcels north of the site. The easement allows access to and from the site through a parking lot that extends to Elko Drive. The boundaries between the properties are not too distinct, so a well designed and managed parking plan is important to avoid any conflict that might result from spillage onto neighboring parking areas.

There is landscaping along the street frontages, with limited landscaping along Tasman Drive, given the additional right-of-way taken for the Light Rail. The approved Condo Conversion Parcel Map included an increase in landscaping,

modification to solid waste enclosures, and slight reduction in parking to strike a better balance to address the large deficiency in landscaping that was a pre-existing condition on the site.

The existing gross floor area and Floor Area Ratio (FAR) exceed the allowable standards for the site; however, the buildings met city standards when originally approved and thus are considered legal non-conforming.

The proposed cultural center is located in one of the three tenant spaces in the building facing Tasman Drive (Building 1), and occupies approximately 5,535 sq. ft.

**Use:** The applicant has submitted a detailed description of types of activities and classes held at the center as well as the number of staff and volunteers (see Attachment D, Project Description submitted by the applicant). Staff hours of operation at the center are from 10:00 a.m. to 4:00 p.m. on weekdays and from 9:00 a.m. to 5:00 p.m. on weekends.

The center has two full time and one part-time staff members. In addition, volunteer meetings are held between the hours of 8:30 a.m. to 11:00 a.m. twice a week on weekdays that are attended by approximately 10 volunteers. Language classes for adults are held between 7:00 p.m. and 9:00 p.m. on Tuesday evenings with approximately 6 adults and 2 teachers. Traditional celebrations are held three or four times a year with approximately 15-20 families in attendance. Other events and activities with a large number of attendees are held off site at community centers, hotels, conference rooms or city parks.

The following table lists current uses at the site:

**Table 1: Current uses at 1233-39 Reamwood and 1257 Tasman Drive**

<b>Address</b>	<b>Use - Tenant</b>	<b>Area (sq. ft.)</b>
1257 Tasman Dr, #A	POA (Tai Kwon Do) – Hong Dao Wushu Studio	4,500
<b>1257 Tasman Dr, #B</b>	<b>POA - Bay Area Cultural Center</b>	<b>5,535</b>
1257 Tasman Dr, #C	POA (counseling center) – Resources for Battered Women	7,267
1233 Reamwood Ave.	<i>Vacant</i>	5,000
1235 Reamwood Ave.	Manu./R&D - Squirt Printing	5,000
1237-9 Reamwood Ave.	POA (proposed) – Whispering Wind Center	10,000

Bay Area Cultural Center is the only tenant currently operating without permits. All other tenants are either allowed by right or have required Use

Permits. The cultural center has been operating out of the subject tenant space for approximately 18 months. Since no tenant improvements were required for their operations, the City did not have a chance to review the subject use in the past. During the review of a recent Use Permit application for *Whispering Wind Spa* at the same site, Planning staff noted that the cultural center was operating without a Use Permit. Staff added a condition of approval requiring Bay Area Cultural Center to apply for required permits prior to issuance of a building permit for the spa.

**Parking/Circulation:** A total of 119 parking spaces are available at the subject site and these spaces are shared between all tenants. To address the fact that the site does not provide adequate parking for all uses, staff reviewed and approved a parking plan with restricted occupancy limits for each tenant. This parking plan was approved as part of UP 2007- 1341 and it limited the parking available for Suite B in Building 1, i.e. the subject tenant space, to a maximum of 12. This calculation was based on using a rate of 1 space 500 sq. ft. for the subject tenant space.

Based on the information provided by the applicant, it appears that the parking demand generated by the cultural center does not exceed the 12 parking spaces available for its use. Staff has some concerns about parking demand during the traditional celebrations held three/four time a year at the center which are attended by 15-20 families. These concerns are mitigated by the fact that these events are held during weekends when additional spaces are available at the site and are not a regular occurrence. Staff has included a condition of approval stating that the maximum occupancy at the subject tenant space shall not exceed 12 at one time. In addition, staff has included a condition stating that a separate MPP permit will be required for any special events/traditional celebrations held at the subject tenant space.

**Place of Assembly:** Sunnyvale Municipal Code (SMC) requires that any proposed Place of Assembly use be evaluated on a case by case basis. The POA zoning regulations specify additional requirements and procedures if a space is used by sensitive populations such as children or adults over the age of 65. Since the subject site and the surrounding area were originally zoned for industrial uses, staff looked at the possibility of the presence of hazardous materials in the vicinity of the site. Staff found that while there are other industrial facilities with hazardous materials in the area, none currently have large quantities of high risk materials. However, these industrial uses have the ability to change their inventories in the future to increase the use of hazardous materials, which might present a safety issue to the users of the subject tenant space. A condition of approval has been added requiring the applicant to submit for the approval of the City a safety plan designed to protect sensitive populations in the event of a nearby release of hazardous materials.

**Compliance with Development Standards/Guidelines:** The project meets applicable City development standards and guidelines in terms of parking, conformance with adjoining uses and other land use considerations. No further improvements are required at this time.

**Expected Impact on the Surroundings:** No significant impacts on surrounding properties are expected to result from the proposed use. The subject tenant space is currently occupied by the cultural center and staff has received no complaints about parking or noise issues. Furthermore, the project has been conditioned to restrict the maximum number of occupants at the tenant space to a maximum of 12.

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**Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

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**Public Contact**

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No letters were received from the public.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"><li>Published in the <i>Sun</i> newspaper</li><li>Posted on the site</li><li>11 notices mailed to property owners and residents adjacent to the project site</li></ul>	<ul style="list-style-type: none"><li>Posted on the City of Sunnyvale's Website</li><li>Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>Posted on the City's official notice bulletin board</li><li>City of Sunnyvale's Website</li></ul>

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**Conclusion**

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**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Permit . Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

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**Alternatives**

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1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.

3. Deny requested Use Permit.

**Recommendation**

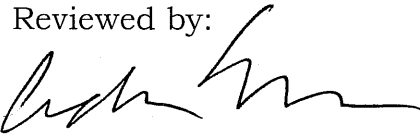
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Staff recommends Alternative 1.

Prepared by:

  
Surachita Bose  
Project Planner

Reviewed by:

  
Andrew Miner  
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Project Description submitted by the Applicant
- E. Project Data Table submitted by the applicant
- F. Use Permit Justifications submitted by the applicant

### **Recommended Findings - Use Permit**

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Goals and Policies that relate to this project are:

#### **Land Use and Transportation Element**

**Policy N1.1** – *Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*

**N1.1.4** *Anticipate and avoid whenever practical the incompatibility that can arise between dissimilar uses.*

**Policy N1.14** *Support the provision of a full spectrum of public and quasi-public services that are appropriately located.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale (*Finding met*).  
In terms of use, the proposed cultural center would add to the range of services and uses available in the City and would provide a community resource. In terms of location, the cultural center is a good fit with the surrounding uses on the site and other uses within the immediate vicinity of the subject site.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.  
The site is zoned for 'place of assembly uses' and the proposed use falls under this category. Based on information provided by the applicant, staff reviewed the parking demand generated by the use and confirmed that the size of the facility and overall parking demand resulting from the facility would not exceed the available parking. The project has been conditioned to restrict the maximum number of occupants at the tenant space to a maximum of 12.

**Recommended Conditions of Approval - Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans and uses approved at the public hearing. Any major site or use modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- B. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received and approved prior to expiration date.
- C. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission.
- D. All other conditions of approval as listed in the previous UP 2006-1213 and UP 2007- 1341 still apply.
- E. The maximum number of occupants at the Bay Area Cultural Center shall not exceed 12 occupants including customers and employees.
- F. Submit a revised wet-stamped Safety Plan that references the full scope of the project prior to applying for building permits.
- G. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure.
- H. Obtain necessary Building Permits for site improvements, if necessary.
- I. A Master Sign Program shall be required for the site. All signs shall be in conformance with and approved Master Sign Program.
- J. A separate MPP permit will be required for any special events/traditional celebrations held at the subject tenant space.
- K. All tenants that occupy the two buildings on site without previously approved Use Permits shall not exceed the parking demand as calculated using the R&D parking rate in the table below. Tenants that have

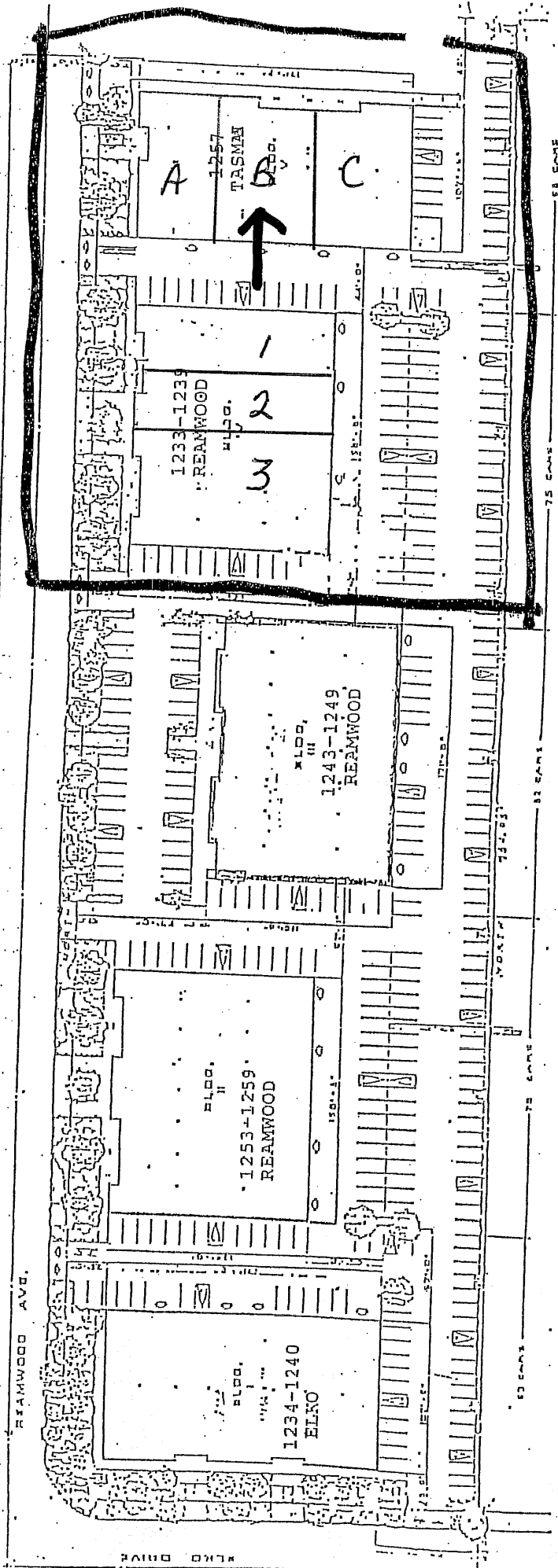
previously approved Use Permits i.e. the Martial Arts Studio, Whispering Wind Spa and Center for Battered Women, shall not exceed the maximum occupancy listed in the table below.

<b>Address / Unit</b>	<b>Use - Tenant</b>	<b>Type of Use</b>	<b>Min. Parking</b>	<b>Area (sq. ft.)</b>	<b>Parking Ratio</b>
1257 Tasman Dr, #A	<i>Hong Dao Wushu Studio</i> (Martial Arts Studio; POA use)	POA by Use Permit	20	4,500	Per UP 2005- 0864
<b>1257 Tasman Dr, #B</b>	<b><i>Bay Area Cultural Center</i></b>	<b>R&amp;D</b>	<b>12</b>	<b>5,535</b>	<b>1/500</b>
1257 Tasman Dr, #C	<i>Resources for Battered Women</i> (POA use)	POA by Use Permit	20	7,267	Per UP 2006-1213
1233 Reamwood Ave.	<i>Vacant</i>	R&D	10	5,000	1/500
1235 Reamwood Ave.	<i>Squirt Printing</i> (R&D/Manuf.)	R&D	10	5,000	1/500
1237-39 Reamwood Ave.	<i>Whispering Wind Center</i> (Spa/Fitness – POA use)	POA by Use Permit	47	10,000	per UP 2007-1341
<b>TOTAL (119 Available Spaces)</b>			<b>119</b>	<b>37,302</b>	

# EXHIBIT A

A = RESOURCE CENTER FOR BATTERED WOMEN  
 B = BACC  
 C = TAI KWAN DO ACADEMY

1 = VACANT  
 2 = SQUIRT PRINTING  
 3 = WHISPERING WIND SPA



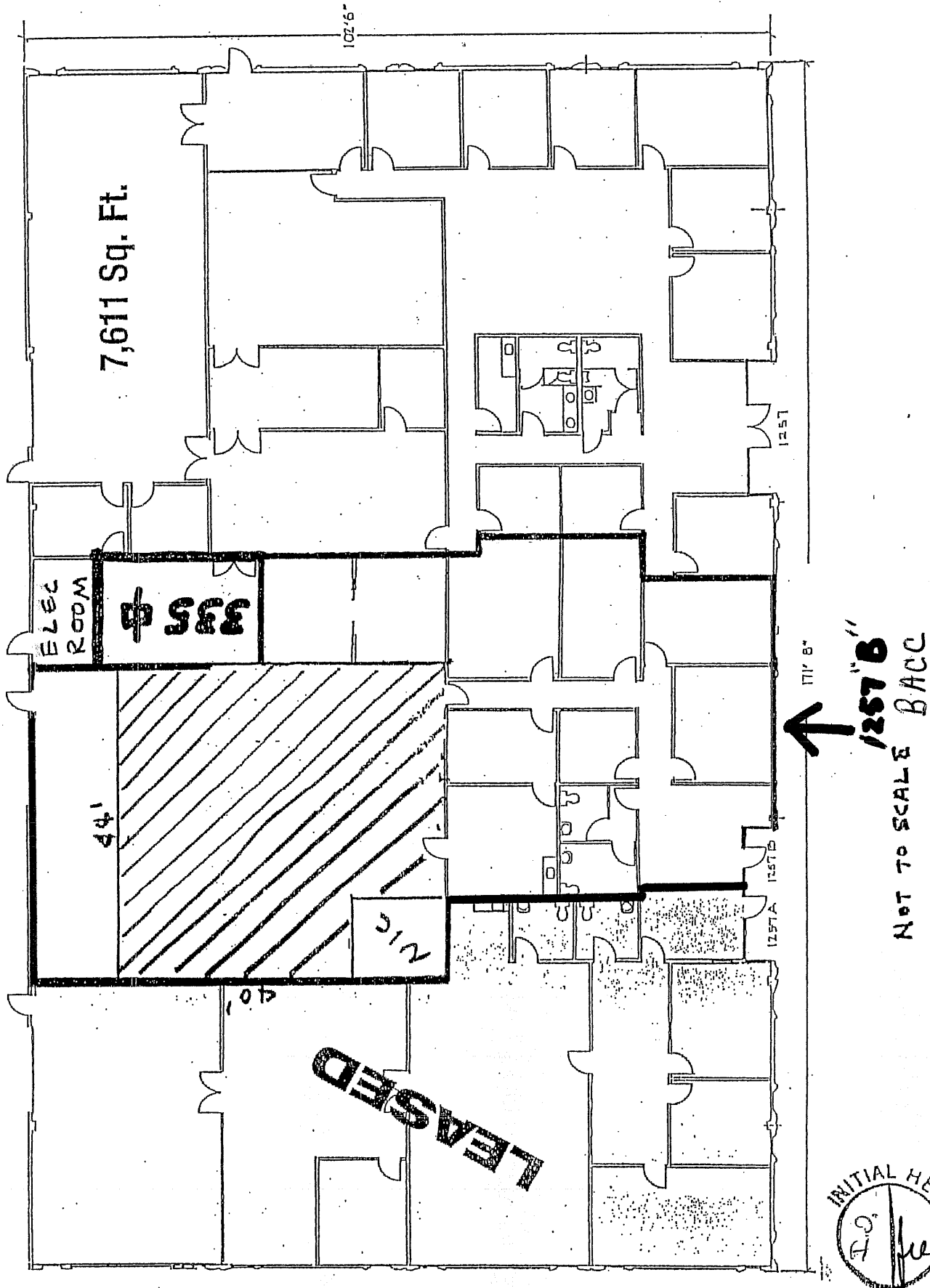
MASTER PLAN

1234 - 1240 Elko Drive  
 1233 - 1259 - Reamwood Avenue  
 1257 Tasman Drive

INITIALS

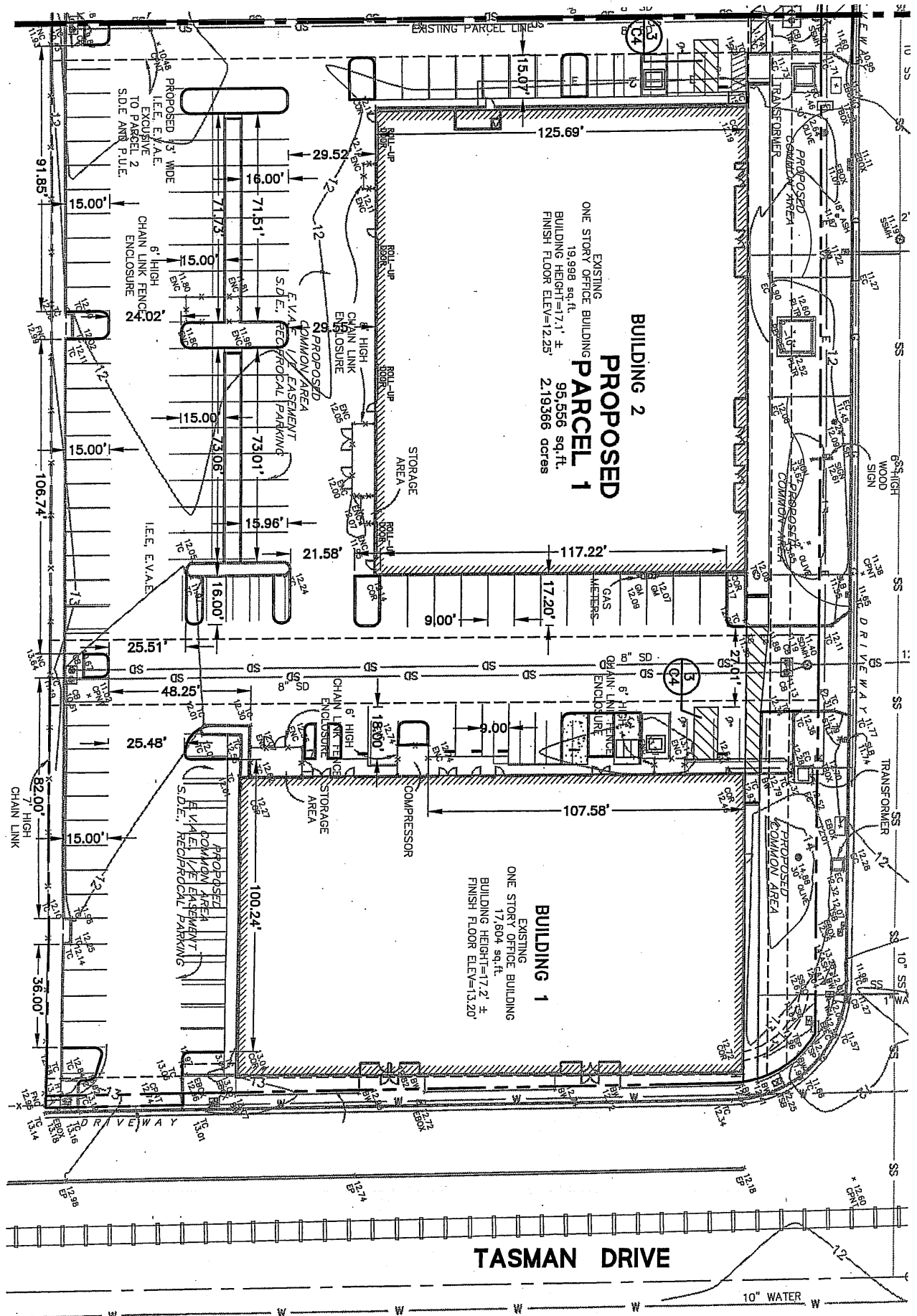
1257 Tasman Drive

# EXHIBIT B



# PARKING - PARCEL 1

119 SPACES



**BACC**  
*Project Description*

- BACC has 2 full-time staff and 1 part-time staff. Full-time staff rarely use the center since their main duty is outreach coordination. The 1257 “B” Tasman location is primarily our administrative offices where some of our smaller cultural activities and classes take place as well as planning for our larger off-campus events.
- Staffed hours of operation are:
  - 10:00 am to 4:00 pm weekdays
  - 9:00 am to 5:00 pm weekends
- Since most of members are working professionals, the center rarely has traffic during daytime hours on weekdays, except for occasional scheduled events.
- Types of activities/gatherings held at center:
  - Volunteer Meetings: These take place one to two times per week between 8:30 am to 11:00 am weekdays. Approximately 10 volunteers attend.
  - Language class for adults: Classes are occasional and hours are between 7 pm and 9 pm on Tuesdays. There are a max of 6 students and 2 teachers.
  - Recreational adult classes like cooking and knitting classes. These are occasional between 11:45 am and 1:30 pm and have max 4-6 students and 1 teacher.
  - Traditional days of observation based on community interest. These celebrations are held during weekends if at all. Approximately 15-20 families attend. These are held 3-4 times per year.
  - Our organization works mainly on interfaith and intercultural dialogue and we arrange a large number of events or activities. However, only the few events listed above are held at our center. For events where a lot of people attend, we rent spaces in the city community centers, hotels or use other organizations’ conference rooms.
- The following are activities that we sponsor that are not held at our center:
  - Annual picnic: every Fall around 300+ community members gather for a picnic in a local park and share food and friendship in a casual environment.
  - Interfaith dinners: we invite faith community leaders/members to share the joy of Ramadan (holy month of fasting for our Muslim members). These dinners and presentations are followed by dialogue among people of different religions. These dinners are held in hotels or large conference facilities.
  - Volunteer groups: Food sorting, local school painting, feeding the homeless, senior center visits, etc.
  - Soccer games every Sunday morning at a local park.
  - Multi-cultural events: our members gather with members of different cultures to share each other’s cuisines, music, and dance performances.
  - Interfaith and intercultural dialogue visits. Our volunteers visit churches and temples in our neighborhoods to connect with those communities and their leaders. We attempt to build bridges with those communities.

<u>Events</u>	<u>Weekday</u> 6:00 am - 7:30 am	<u>Weekday</u> 8:00 am - 5:30 pm	<u>Weekday</u> 6:00 pm - 9:00 pm	<u>Saturday - Sunday</u>
Staff		3		
Volunteer Meetings		10		
Adult language classes			8	
Recreational classes			7	
Occasional days of observation				20
Total parking:	0	13	15	20

## Parking Overlap Chart

Tenant	Weekday			Weekday		Saturday - Sunday
	6:00 am - 7:30 am	8:00 am - 5:30 pm	6:00 pm - 9:00 pm	6:00 pm - 9:00 pm		
Hong Dao Wushu Studio		20	15		20	
BACC		13	15		20	
Resource Center for Battered Women		20	15		5	
Vacant		10	10		10	
Squirt Printing		10	2			
Whispering Wind Center	40	40	40		40	
Total	40	113	97		95	



# COMMERCIAL/INDUSTRIAL PROJECT DATA

Applicant should refer to the Sunnyvale Municipal Code for current requirements.

	EXISTING CONDITIONS	PROPOSED PROJECT	REQUIRED/ PERMITTED
<input type="checkbox"/> General Plan	Industrial	same	Industrial
<input type="checkbox"/> Zoning District	MS-POA	same	MS-POA
<input type="checkbox"/> Lot Size (sq. ft.)	95,556	same	22,500 min.
<input type="checkbox"/> Gross Floor Area (sq. ft.)	37,447	same	37,447 approved max. UP
<input type="checkbox"/> Lot Coverage (%)	39.2%	same	45% max.
<input type="checkbox"/> Floor Area Ratio (FAR)	39.2%	same	35% max.
<input type="checkbox"/> Gross Floor Area of Tenant (sq. ft.)	5,535	same	-----
<input type="checkbox"/> Building Height (ft.)	17	same	75 max.
<input type="checkbox"/> No. of Stories	1	same	8 max.
<input type="checkbox"/> No. of Buildings On-Site	2	same	-----
<input type="checkbox"/> Distance Between Buildings (ft.)	68	same	----- max.
<input type="checkbox"/> Front Setbacks	25	same	25 min.
<input type="checkbox"/> Left Side Setbacks (facing property)	5	same	No min., 20 min. Total
<input type="checkbox"/> Right Side Setbacks (facing property)	30	same	No min., 20 min. Total
<input type="checkbox"/> Rear Setback	65	same	No min. min.
<input type="checkbox"/> Landscaping (total sq. ft.)	10,319	same	10,319 approved min. UP
<input type="checkbox"/> % Based on Lot Area	As per UP	same	As per UP min.
<input type="checkbox"/> % Based on Parking Lot	As per UP	same	As per UP min.
<input type="checkbox"/> Parking Lot Area Shading (%)	21.6%	same	50% min. in 15 yrs.
<input type="checkbox"/> Water Conserving Plants (%)	As per UP	same	70% min.
<input type="checkbox"/> Total No. of Parking Spaces	119	same	119 (approved UP)
<input type="checkbox"/> Standards	115	same	115 (approved UP)
<input type="checkbox"/> Compacts / % of total	As per UP	same	As per UP max.
<input type="checkbox"/> Accessible Spaces	5	5	5 min.
<input type="checkbox"/> Covered Spaces	-----	-----	----- min.
<input type="checkbox"/> Aisle Width (ft.)	26	same	26 min.
<input type="checkbox"/> Bicycle Parking	3 lockers/3 racks	same	3 lockers/3 racks
<input type="checkbox"/> Impervious Surface Area (sq. ft.)	As per UP	same	As per UP
<input type="checkbox"/> Impervious Surface (%)	As per UP	same	As per UP

One-Stop Permit Center - City Hall - 456 W. Olive Avenue - (408) 730-7444  
 Planners and Building Division staff are available 8:00 a.m. to noon and 1:00 to 5:00 p.m.  
[www.SunnyvalePlanning.com](http://www.SunnyvalePlanning.com) / [www.SunnyvaleBuilding.com](http://www.SunnyvaleBuilding.com)

Rev. 8/07 (blue)

## **Use Permit/Special Development Permit Justification**

The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as....

The 1257 "B" Tasman space will be used as a community cultural center providing administrative offices and cultural and multi-faith classes and fellowship.

The proposed use will not cause a negative impact to the site or neighboring businesses. The activity inside the center should have no noise impact on the adjacent properties as most of the activities should be quiet and reflective.

In addition, the proposed use is consistent and in line with the adjacent businesses which are:

### *Building 1*

- Resource Center for Battered Women---7,267 S.F.
- Proposed Bay Area Cultural Center---5,535 S.F.
- Hong Dao Wushu (Tai Kwon Do) Studio---4,500 S.F.

### *Building 2*

- Vacant---5,000 S.F.
- Squirt Printing---5,000 S.F.
- Whispering Wind Center---10,000 S.F.